

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

RICHARD JOE PRUITT, JR.,

Petitioner,

v.

**CIVIL ACTION NO.: 3:20-CV-209
(GROH)**

FCI BUTNER LOW,

Respondent.

ORDER TRANSFERRING CASE

On November 6, 2020, the *pro se* Petitioner, Richard Joe Pruitt, Jr., filed a petition for habeas corpus under 28 U.S.C. § 2241. Section 2241 specifically provides that “writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions.” 28 U.S.C. § 2241(a). In this instance, the Petitioner is currently incarcerated in FCI Butner Low in Butner, North Carolina, which is located in the Eastern District of North Carolina. Thus, this Court does not have the authority to consider his § 2241 claim.

Accordingly, in the interest of justice, it is hereby **ORDERED** that this case be **TRANSFERRED** to the Eastern District of North Carolina for all further proceedings. See 28 U.S.C. 1404(a) (“For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.”); see also 28 U.S.C. § 1406(a) (“The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.”).

The Court further **VACATES** the notice of deficient pleading and intent to dismiss [ECF No. 2] issued on November 6, 2020, on the ground that even if Petitioner were to file his petition on the Court-approved forms for this District, the Court is without jurisdiction to grant him relief.

The Clerk is **DIRECTED** to strike this matter from the active docket and transmit copies of this Order to the District Court for the Eastern District of North Carolina and the *pro se* Petitioner.

DATED: November 30, 2020



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE